

WHAT IS CLAIMED IS:

Sub a1
1. An isolated nucleotide sequence comprising a promoter sequence that is capable of driving expression of a gene in a plant cell wherein said promoter
5 natively drives the expression of a plant cell death suppressor protein.

2. The promoter of claim 2, wherein said promoter comprises the sequence set forth in SEQ ID NO: 1.

10 3. A DNA construct comprising the promoter of claim 1, operably linked to a heterologous coding sequence.

4. A vector comprising the DNA construct of claim 3.

15 5. A host cell comprising the vector of claim 4.

Sub a2
6. A plant which has been stably transformed with the DNA construct of claim 4.

20 7. The plant of claim 6, wherein said heterologous coding sequence encodes an insecticidal protein.

8. Transformed seed of the plant of claim 6.

Sub a3
25 9. A plant having stably incorporated in its genome a DNA construct, said construct comprising a promoter having the sequence of SEQ ID NO: 1 operably linked to a polynucleotide.

30 10. The plant of claim 9, wherein said polynucleotide is a coding sequence for a gene.

11. The plant of claim 10, wherein said gene is a gene that provides resistance to insects or fungal pathogens.

12. The plant of claim 9, wherein said polynucleotide is an antisense sequence.

13. The plant of claim 9, wherein said plant is a dicot.

14. The plant of claim 9, wherein said plant is a monocot.

15. The plant of claim 14, wherein said monocot is maize.

16. ^{Transformed seed}
~~Seed~~ of the plant of any one of claims 9-15.

17. A plant cell having stably incorporated in its genome a DNA construct, said construct comprising a promoter having the sequence of SEQ ID NO: 1 operably linked to a polynucleotide.

18. The plant cell of claim 17, wherein said polynucleotide is a coding sequence for a gene.

19. The plant cell of claim 18, wherein said gene is a gene that confers resistance to insects or fungal pathogens.

20. The plant cell of claim 17, wherein said polynucleotide is an antisense sequence.

21. The plant cell of claim 17, wherein said plant cell is from a dicotyledonous plant.

22. The plant cell of claim 17, wherein said plant cell is from a monocotyledonous plant.

23. The plant cell of claim 22, wherein said monocotyledonous plant is maize.